REMARKS

Claims 50-55 are canceled herein. Claims 24-33, 47 and 56-68 remain pending in the application.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Indefiniteness of claims 50-55 under 2nd paragraph of 35 U.S.C. §112

The Office Action rejects claims 50-55 as allegedly being indefinite under 35 USC 112.

Claims 50-55 are canceled herein, making the rejection of claims 50-55 now moot. It is respectfully requested that the rejection be withdrawn.

Claims 24-29, 31, 47 and 50-68 over Matsuda in view of Ben-David

In the Office Action, claims 24-29, 31, 47 and 50-68 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. ("Matsuda") in view of U.S. Patent No. 6,273,622 to Ben-David ("Ben-David"). The Applicants respectfully traverse the rejection.

As discussed above, claims 50-55 are canceled herein, making the rejection of claims 50-55 now moot.

Claims 24-29, 31, 47 and 56-68 recite a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging network servers with one another. The connectionless transport protocol is comprised of a transport layer that corresponds substantially to a transport layer of an Open Systems Interconnection (OSI) model, the transport layer providing for networking services comprising **message segmentation and reassembly**, and **message duplication detection**.

The Examiner alleges in the Response to Arguments section of the Office Action at page 10 that Applicants have not specifically defined what is meant by a transport layer, the Examiner indicating he has taken broad

consideration with respect to its definition. The Examiner indicates that he construes the term "transport layer" as any network protocol processing which facilitates communication between two computers. The Applicants respectfully disagree.

Transport layer, application layer, network layer, etc. are well known terms of art that correspond to various layers of a protocol stack, such as the ISO/OSI reference model. Claims 24-29, 31, 47 and 56-68 are amended herein to define more clearly the claimed transport layer, which as discussed below, the cited art fails to disclose, teach or suggest.

The Examiner acknowledges that Matsuda fails to disclose a transport layer of a connectionless transport protocol providing for message segmentation and reassembly, and message duplication detection. (see Office Action, page 4) The Examiner relies on Ben-David to allegedly make up for the deficiencies in Matsuda to arrive at the claimed features. (see Office Action, page 4) The Applicants respectfully disagree.

Ben-David appears to disclose a protocol, termed Communication Enhancement Protocol (CEP), that includes a flow control method to maximize the performance of IP communication links. (see Abstract) The CEP is positioned in either Transport Layer 4 or Session Layer 5 of the OSI communications protocol stack. (see Ben-David, Abstract) The CEP optimizes the interactions between transport protocols and applications by utilizing novel flow control algorithms so as to reduce overhead and the use of the server's resources. (see Ben-David, Abstract) The CEP also comprises an error handling mechanism that permits detection of and recovery from packet loss. (see Ben-David, Abstract)

Ben-David's Communication Enhanced Protocol (CEP) at best includes an error handling mechanism that permits detection of and recovery from packet **loss**. Ben-David fails to disclose, teach or suggest a transport layer providing for networking services comprising **message segmentation and reassembly**, and **message duplication detection**, as recited by claims 24-29, 31, 47 and 56-68.

RFC 793 is relied on by the Examiner on page 3 of the Office Action. RFC 793 is a document specification for conventional Transmission Control Protocol or TCP. To the extent that the Examiner quotes RFC 793 in the rejection based on Matsuda in view of Ben-David, it appears that the Examiner would agree that neither Matsuda or RFC 793, or Matsuda in view of RFC 793, discloses, teaches, or suggests the claimed features of claims 24-29, 31, 47 and 56-68.

Conventional TCP as disclosed by RFC 793 does not include a transport layer that provides for networking services comprising **message segmentation and reassembly**, and **message duplication detection**, as recited by claims 24-29, 31, 47 and 56-68.

Matsuda and Ben-David, either alone or in combination, would still fail to disclose, teach, or suggest a connectionless transport protocol that is comprised of a transport layer that corresponds substantially to a transport layer of an Open Systems Interconnection (OSI) model, the transport layer providing for networking services comprising **message segmentation and reassembly**, and **message duplication detection**, as recited by claims 24-29, 31, 47 and 56-68.

Accordingly, for at least all the above reasons, claims 24-29, 31, 47 and 56-68 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 30, 32 and 33 over Matsuda in view of Ben-David and Bell

In the Office Action, claims 30, 32 and 33 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of Ben-David, and further in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 30, 32 and 33 are dependent on claim 24, and are allowable for at least the same reasons as claim 24.

Claims 30, 32 and 33 recite, *inter alia*, a connectionless transport protocol that facilitates communications of a plurality of intelligent messaging

network servers with one another. The connectionless transport protocol is comprised of a transport layer that corresponds substantially to a transport layer of an Open Systems Interconnection (OSI) model, the transport layer providing for networking services comprising **message segmentation and reassembly**, and **message duplication detection**. As discussed above, Matsuda and Ben-David, either alone or in combination, fail to disclose, teach or suggest such features.

Bell is relied on to allegedly disclose if a new message sequence number is received before the necessary last segment of the previous message, to abort processing and return an error; and encapsulating a communication layer (see Office Action, page 10). Thus, even considering Bell's alleged disclosure, Matsuda, Ben-David, and Bell, either alone or in combination, fail to disclose, teach or suggest a connectionless transport protocol that is comprised of a transport layer that corresponds substantially to a transport layer of an Open Systems Interconnection (OSI) model, the transport layer providing for networking services comprising **message segmentation and reassembly**, and **message duplication detection**, as recited by claims 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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